

REMARKS/ARGUMENTS

The applicant would like to acknowledge, with thanks, the Office Action that was mailed on January 29, 2007. This amendment is responsive to the January 29, 2007 Office Action. Claims 23-45 are pending, claims 23-45 stand rejected. By this amendment, independent claims 23, 32 and 40 are amended. Claims 33-39 were also amended responsive to a rejection for being indefinite. The subject matter of determining coverage range versus data rates is not new matter as it is disclosed in paragraph 41 of the original specification.

CLAIM REJECTIONS

Claims 32-39 stand rejected under 35 U.S.C. § 112, 2nd paragraph, for being indefinite. The examiner rejected the word “adapted” as being ambiguous. Withdrawal of this rejection is requested as “adapted” has been deleted from these claims.

Claims 23-45 stand rejected under 35 U.S.C. § 103 as being obvious in view of the combination of U.S. Patent 5,920,607 to Berg (*hereinafter* Berg) and U.S. Patent 5,987,328 to Ephremides et al. (*hereinafter* Ephremides). For reasons that will now be set forth, neither Berg nor Ephremides, alone or in combination, teach or suggest all of the elements of claim 23-45.

Independent claims 23, 32 and 40, as currently amended, recite that coverage range versus data rates is determined. By contrast, Berg makes no mention of determining coverage range versus data rates. Berg is directed towards a cellular network, which typically requires a minimal data rate to function and is thus not concerned with determining coverage ranges for different data rates. Berg uses “performance inputs” that include traffic performance indicators to determine how the network is affected by user traffic patterns, equipment alarms, remote radio test equipment and user inputs that indicate where users are experiencing service problems (col. 4, lines 46-53). Berg employs cell site controls such as controlling power output, cell direction and cell width (col. 5, lines 1-3). Additionally, Berg can modify frequency distribution (col. 5, lines 34-64). Nowhere, does Berg teach, suggest or disclose determining coverage range versus data rates.

The aforementioned deficiency in Berg is not remedied by any teaching of Ephremides. Ephremides discloses a simulation program for network planning to determine locations for base station placement. From layout and attenuation data of an area and an initial guess, the placement and power levels of base stations and resulting attenuation and base station ranges are calculated based on a chosen propagation model (Abstract). Other parameters Ephremides uses include

transmitting power, minimum SNR and receiver sensitivity (col. 4, lines 54-56). Like Berg, Ephremides makes no mention of determining coverage range versus data rates. Unlike Berg, Ephremides does not adapt to changing network conditions. Thus, neither Berg nor Ephremides, alone or in combination, teach or suggest all of the elements of independent claims 23, 32 and 40.

Claims 23-45 stand rejected under 35 U.S.C § 103 as being obvious in view of the combination of Ephremides and U.S. Patent 6,356,758 to Almeida et al. (*hereinafter* Almeida). The aforementioned deficiency in Ephremides is not remedied by any teaching of Almeida. Like Ephremides, Almeida teaches a simulator for network planning. Almeida stores information on cell sites including topographical, architectural and RF propagation data. Fig. 3b displays the type of data available. Almeida allows a network planner to simulate RF propagation changes for various antenna configurations (see e.g. Fig. 4). However, nowhere does Almeida teach or suggest determining coverage range versus data rates. Therefore, neither Ephremides nor Almeida, alone or in combination, teach or suggest all of the elements of independent claims 23, 32 and 40.

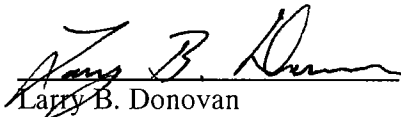
Claims 24-31, 33-39 and 41-45 directly depend from claims 23, 32 and 40 respectively and therefore contain each and every element of claims 23, 32 and 40 respectively. Thus, for the reasons already set forth for claims 23, 32 and 40, Berg, Ephremides and/or Almeida, alone or in any combination thereof, teach or suggest all of the elements of claims 24-31, 33-39 and 41-45.

CONCLUSION

If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/00012.

Respectfully submitted,

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